

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JOSE MARIA SAUCEDO-CARDENAS	§	
	§	
v.	§	Case No. 6:19-cv-555-JDK-KNM
	§	Criminal Case No. 6:18-cr-36
UNITED STATES OF AMERICA	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Jose Maria Saucedo-Cardenas's motion to vacate or correct his federal sentence under 28 U.S.C. § 2255. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.


On February 16, 2021, Judge Mitchell issued a Report recommending that the Court dismiss this motion to vacate without prejudice for want of jurisdiction. Docket No. 8. A copy of the Report was sent to Movant at his last known address but was returned as undeliverable. Docket No. 9. To date, Movant has not advised the Court of his current mailing address, and no objections to the Report have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Movant did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 8) as the findings of this Court. It is therefore **ORDERED** that Saucedo-Cardenas's motion to vacate or correct his federal sentence is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction. Further, a certificate of appealability is **DENIED** solely as to an appeal of this action.

So **ORDERED** and **SIGNED** this **23rd** day of **March, 2021**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE